



Arthur Tournas

Re: PETITION NO. 1120 – The United Illuminating Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to the Hawthorne Substation located at 180 Hawthorne Drive, Fairfield, Connecticut.

BRIEF

Intervenor Arthur Tournas, has found multiple inconsistencies though-out United Illuminating Co.'s (UI) petition and hearing procedures.

ISSUE ONE: SPECIES OF SPECIAL CONCERN, EASTERN BOX TURTLE

UI submitted in their interrogatories a letter from Environmental Analyst Dawn McKay of Connecticut Department of Environmental Protection (DEP) that stated there is an extant Eastern Box Turtle Habitat in the proposed modification area (CSC-003 Attachment B). Also, Reptile and Amphibian Senior Attorney, Collette L. Adkins of the Center for Biological Diversity, submitted a formal public letter to the CSC on March 20, 2015, that states there are Eastern Box Turtles in the area. However, at the March 31, 2015, hearing, UI's witness, Mr. Quinn, purported that no turtle population existed in the proposed area. Conversely, at the April 23, 2015, hearing, Mr. Quinn stated there was an Eastern Box Turtle habitat in the area. The Natural Diversity Data Base Map, Department of Environmental Protection and Center of Biological Diversity all confirm the existence of a Species of Special Concern in the proposed modification area. I feel the petition should be denied due to the provided professional confirmation of a turtle presence and the likelihood of endangering the vulnerable Eastern Box Turtle if proposed modification occurs.

ISSUE TWO: WETLANDS

During the April 23rd hearing, UI's witness stated, there was no wetlands in the proposed modification area. However, at the same hearing, UI's witness and Fairfield Conservationist Annette Jacobson stated there are wetlands 19 feet north of the proposed modification site. I feel that this proposed modification can pose a danger to the wetland area.

ISSUE THREE: ELECTROMAGNETIC FIELDS (EMFS)/RADIATION

Whether the EMFs being emitted from the current substation are harmful to the health and wellbeing of the neighborhood, and if there will be additional harmful EMFs emitted from the proposed modification still remains a mystery. UI submitted an Electric & Magnetic Field Assessment report prepared by Exponent dated March 24, 2015. Insufficiently, questions proposed to UI by the CSC and the intervenors went unanswered. UI was unable or unqualified to answer the submitted questions. UI's witness to the EMF assessment, Managing Scientist, Dr. Amy Williams, was unavailable for cross examination. Consequently, there are questions that remain unanswered; are there EMFs emitting, is the current and future level of EMFs within safe and acceptable limits by government regulations, is long-term exposure to the current and future level of EMFs safe to the neighborhood and community, and is the level of EMFs greater when measured in conjunction with Eversource wires and structures? The Concerned Citizens of North Stratfield (CCNS) and the residents of Fairfield are extremely concerned and question whether the present substation and the proposed modification will affect their health and family. UI was unable to provide evidence that the modification will be safe to the neighbors and the Town of Fairfield. UI being unprepared to answer questions regarding major health concerns is reason enough to deny this petition.

ISSUE FOUR: NOTIFICATION OF ABUTTERS

UI did not properly notify all abutters according to Regulations of the Connecticut State Agencies, section 16-50j-40 (Tournas's Pre-filing 03/26/15).

Section 16-50j-40:

"Prior to submitting a petition for a declaratory ruling to the Council, the petitioner shall, where applicable, provide notice to each person other than the petitioner appearing as record as an owner of property which abuts the proposed primary or alternative sites of the proposed facility, each person appearing of record as an owner of the property or properties on which the primary or alternative proposed facility is to be located, and the appropriate municipal officials and government agencies. Proof of such notice shall be submitted with the petition for declaratory ruling."

On October 29, 2014, UI submitted Proof of Service that shows four abutters were sent the petition. On December 2, 2014, UI provided the mandated second Proof of Service that showed an additional five abutters were sent the petition. To this date, the issue remains that two abutters still have not received proper notification of Petition No. 1120. (1) Gary and Jacqueline Azarian, property owners of 192 Hawthorne Drive, Fairfield, Connecticut. (2) Stacy Tournas of 106

Woolsley Avenue, Trumbull, Connecticut, property owner of 186 Schiller Road, Fairfield, Connecticut.

To support the above, please refer to: (a) The Pre-filing of Attorney Stanton Lesser on February 17, 2015, stating Gary and Jacqueline Azarian are abutters. (b) The Quit Claim Deed and US land records of 186 Schiller Road, Fairfield, Connecticut, showing Stacy Tournas as an owner of 186 Schiller Road, Fairfield, Connecticut and an abutter of 180 Hawthorne Drive, Fairfield, Connecticut. **Ms. Tournas does not reside at 186 Schiller Road but is an owner of the property along with her brother, Jason Tournas (Pre-filing by Arthur Tournas).** (c) UI's Opposition Letter dated February 17, 2015. (d) Pre-filed testimony of Arthur Tournas dated March 26, 2015. (e) Letter to CSC as public comment from Gary and Jacqueline Azarian dated February 20, 2015. (f) Letter to CSC as public comment from Stacy Tournas dated February 19, 2015.

In addition, please refer to UI's Answer to Interrogatories, #GIA-1-1, "Certified Receipts". Neither the Certified Return Receipts nor the Proof of Service provided by UI shows Gary and Jacqueline Azarian nor Stacy Tournas as being sent notice of the Petition. Furthermore, the provided Certified Return Receipts exhibits the inconsistencies of UI's procedures and that all property owners on record were not properly notified per RCSA section 16-50j-40. I feel that UI did not follow the Statutes of Connecticut throughout this process. Therefore, Petition No. 1120 should be denied.

ISSUE FIVE: ALTERNATIVE LOCATION FOR MODIFICATION

UI mentioned that the alternative to the modification of the Hawthorne Substation was the Old Town Substation located at 280 Kaechele Place, Bridgeport, Connecticut; however, it was deemed too costly. In the March 12, 2015, Fairfield Minuteman, "Neighbors oppose expansion of U.I. substation" Ed Crowder, a UI Spokesperson, commented, "We've been in the process of updating substations across our system, which are nearing the end of their useful life." (Tournas Interrogatory, Set Two, 03/11/15). When asked at the April 23rd hearing, UI stated, the Old Town Substation was not considered further because it was old, and would require disassembling and rebuilding. It was stated at the April 23rd hearing that the Old Town Substation will need to be modified as well in the near future. The Old Town Substation was built in 1961, and the Hawthorne Substation was built in 1973; it might be more cost-effective to rebuild the Old Town Substation with more efficient and upgraded equipment, while being able to build it on the same footprint and achieve the output UI is requiring. Referring to the Aerial map of 280 Kaechele Place, it is evident that the area is more commercial than residential, and the proposed modification would not significantly impact the surrounding commercial district as much as it would in the proposed Hawthorne residential neighborhood (Aerial Map, pre-filing Tournas, 03/24/2015). Before the CSC considers the approval of Petition No. 1120, UI should produce more information regarding the Old Town Substation as a possible alternative location for the proposed modification. For the presented reasons I feel that Petition No. 1120 should be denied.

In conclusion there has been a lack of due process by UI to ensure the public safety of the neighbors and the Town of Fairfield. Their mishandling of the petition from the beginning and their lack of transparency has shown UI's disrespect to the neighbors, the abutters, and the citizens of the Town of Fairfield.

For all of the above reasons, I ask, on behalf of The CCNS, that the Council denies UI's Petition 1120.

If the CSC is not given sufficient reason to deny the application, Intervenor Arthur Tournas, representing The Concerned Citizens of North Stratfield (CCNS), submits the attached, (CCNS's amendment to UI's D&M plan), to the CSC to consider that each item listed be included in The United Illuminating Co.'s Development and Management Plan (D & M) for the proposed modifications to the Hawthorne Station.

1. The Development and Management Plan (D&M Plan) shall include the following elements:
 - a) A final site plan showing the placement of all substation equipment, structures and buildings within the Substation perimeter, landscape plantings, access and the location of all temporary and permanent tap structures; this will include all lighting and lightning masts
 - b) Erosion and sediment controls
 - c) Provisions for storm water management and oil containment including an Oil Spill contingency Plan
 - d) Control of the pre-existing Fall-Zone
 - e) A complete and accurate land survey
 2. UI shall surround the substation with a concrete wall at least 17 feet high.
 - a) The wall shall be precast concrete with SoundSorb, fire proof and double sided; for adequate noise absorption, EMF/radiation reduction and security
 - b) The wall should be built prior to the expansion of the project to shield the neighborhood from the effects of construction
 3. UI shall consult with the Town of Fairfield (Town) and the Concerned Citizens of North Stratfield (CCNS) for the color and texture options for the wall for their selection
 4. UI shall construct a berm with a minimum height of four (4) feet around the Substation on the outside of the wall. Vegetative plantings shall be placed on the berm in order to maximize the visual screening
 5. UI shall consult with the Town and the CCNS to choose the vegetation planting list for the berm
 6. UI shall plant deer resistant 14 feet Green Giant arborvitaes at or near abutters' backyard property lines to maximize the visual screening
- UI has agreed to schedule a meeting with the CCNS and a Landscape Contractor to finalize the landscape plan for the Berm plantings and Screening of the abutters properties. The finalized plan will be incorporated into UI's D & M.*
7. UI shall provide seasonal maintenance on the landscaping which surrounds the wall and on the berm

8. No cutting of Aluminum should be done on the project site, before, during or after construction
9. UI shall provide pre and post construction electric and magnetic field measurements, within six Months of operations
10. UI has agreed that lights will only be illuminated when there is a security breach or a need for emergency repair to the Substation that cannot be done during the daylight hours. They also agreed that they will be installed at a height of 55 feet

Considerations should be given to reduce the height to 35 ft.

Consideration should be given to reduce the output of the 2 lighting masts, marked in green on UI's "attachment TOF – 4" from five-AL1 to a single AL2

11. UI shall install a motion detector to activate the one security lighting on the East Side by the entrance
12. UI shall ensure that all light fixtures have cut-off fixtures to prevent light-trespass
13. UI shall reduce the number of lighting fixtures required as to reduce the amount of light pollution throughout the neighborhoods
14. UI shall reduce the number of lightning rods. *UI has agreed that the height would be at 55 feet.*

Considerations should be given to reduce the height to 35 ft

15. UI shall modify the location of the proposed placement of additional lightning rod on the existing site at the east side of the property

UI has agreed to move this mast 100' to the north

16. UI shall filter any suspended solids, nutrients and harmful or toxic substances from the wetlands during and after construction.
17. UI shall provide buffers to the Wetlands in order to maximize water quality protection to compensate for the removal of existing trees and shrubbery
18. UI shall work with the Town Planner and Conservation Department on monitoring the Species of Special Concerns (Eastern Box Turtle)
19. UI shall, in conjunction with Ever Source, submit environmental testing including, but not limited to, soil, air and water of the immediate neighborhood and substation while running at full electric capacity with unified monitoring by the appropriate State and Town officials, along **with a CCNS appointed** neighborhood committee member.